

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
(SAN ANTONIO DIVISION)**

In re:	§	
CINCH WIRELINE SERVICES, LLC	§	Case No. 23-51742-cag
Debtor	§	Chapter 7
<hr/>		
JOHN PATRICK LOWE, CHAPTER 7	§	
TRUSTEE FOR CINCH WIRELINE	§	
SERVICES, LLC,	§	
Plaintiff	§	
<hr/>		
v.	§	Adversary 24-05011-cag
FRANK THOMAS SHUMATE; MARK	§	
LOPEZ; LORETTA L. HIGGINS;	§	
TIMOTHY GAINES POLLARD; JERRY	§	
MILLER; MARTIN KROESCHE;	§	
[THE “INDIVIDUAL-DEFENDANTS”]	§	
CINCH ENERGY SERVICES, LLC;	§	
CINCH INVESTMENT HOLDINGS, LLC;	§	
CES GROUP HOLDINGS, LLC; HOOK N	§	
BULL PROPERTIES, LLC; LOS CABOS	§	
RANCH, LLC; FTS RANCH, LLC; FTSJR	§	
HOLDINGS, LLC; WFO HOMES, LLC;	§	
TEXAS COAST BUILDERS, LLC; 17	§	
MAIN, LLC; GRANDER HOLDINGS,	§	
LLC; WFO, LLC; PONDER RANCH,	§	
LLC; BL EQUITY HOLDINGS, LLC;	§	
OCEAN FLOOR HOLDINGS, LLC;	§	
SUPERIOR READY MIX OF TEXAS,	§	
LLC; SUPERIOR READY MIX, LLC;	§	
CAPITAL PROPERTY INVESTING,	§	
LLC; CORE ASSET RESOURCES,	§	
LLC; DRAKEFIRE MANAGEMENT,	§	
LLC; EDMUND HOME BUILDERS,	§	
LLC; CHATTINGTON INVESTMENTS,	§	
LLC; WILLIAM H HOLDINGS, LLC;	§	
LONE STAR CEMENT COMPANY, LLC;	§	
TIM POLLARD CONSTRUCTION, INC.	§	
[The “Entity Defendants”]	§	
and Other Yet UNKNOWN DEFENDANTS	§	
[“John Doe-Defendants”]; and	§	
SIMMONS BANK	§	
Defendants	§	

**RESPONSE TO DEFENDANT FRANK THOMAS SHUMATE’S EXPEDITED MOTION
TO QUASH SUBPOENA**

John Patrick Lowe, Chapter 7 Trustee for Cinch Wireline Services, LLC (“CWS”), files this Response to Defendant Frank Thomas Shumate’s (“Shumate”) Expedited Motion to Quash Subpoena and would show the Court the following:

1. Counsel for the Trustee just learned this week that Frank Thomas Shumate listed two yachts and a home for sale. Assets that Mr. Shumate knows are claimed as property of this Bankruptcy Estate. The listings show he is seeking over \$4,000,000.00 for the boats and \$1,599,000.00 for the home.
 - a. Bitch - \$499,000.00



2009 Custom Carolina | 48' Blue Devil
Boatworks



\$499,000

KEY FEATURES

LOCATION	Orange Beach Alabama United States
STATEROOMS	---
HEADS	---
ENGINES	2 Cummins QSO QSB 480

2009 Beautifully, crafted, and meticulously kept 45 ft Custom Carolina Blue Devil Boatworks.

Current owner has completed the following upgrades:

- Repainted Hull
- Installed Seakeeper
- Installed Tow Eye to Be Hauled by Larger Vessels – “Mothership”

PRELIMINARY LISTING-More information to come.

b. Boss - \$3,595,000.00



1989 Feadship | 116 Sport Fisher



BOSS \$3,595,000

This spectacular 1989 116 ft. Feadship Sport Fisher designed by Frits De Voogt. Originally built and commissioned by renowned yachtsman Jim Moran. At the time this was his 5th Feadship built. Subsequently owned by Roger Penske as the "Detroit Eagle".

The current owner has added many, many upgrades such as:

KEY FEATURES

LOCATION

Orange Beach Alabama United States

STATEROOMS

HEADS

ENGINES

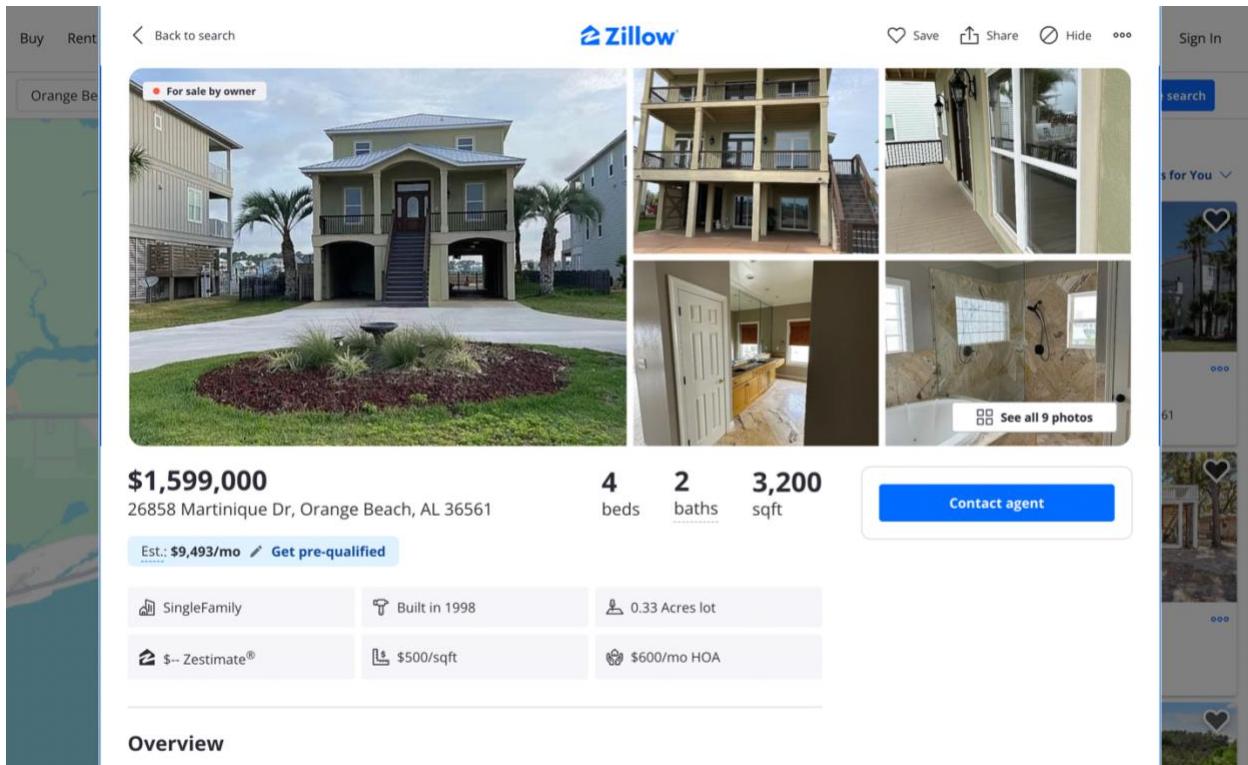
2 MTU 2600.00 16V498TA

- New A/C Chiller Systems
- Hydraulic Outriggers
- Carpet
- Headliner
- New Septic System
- Electronics
- (2) Seakeeper 40's
- Watermaker
- Washer and Dryer
- Ice maker
- Stove Tops and Grills
- Tables and Chairs
- Set to haul 43' Custom Carolina Blue Devil Boatworks Sportfish. Also for sale and can be purchased as a package.

And much more, including 4200 Nautical Mile Range!

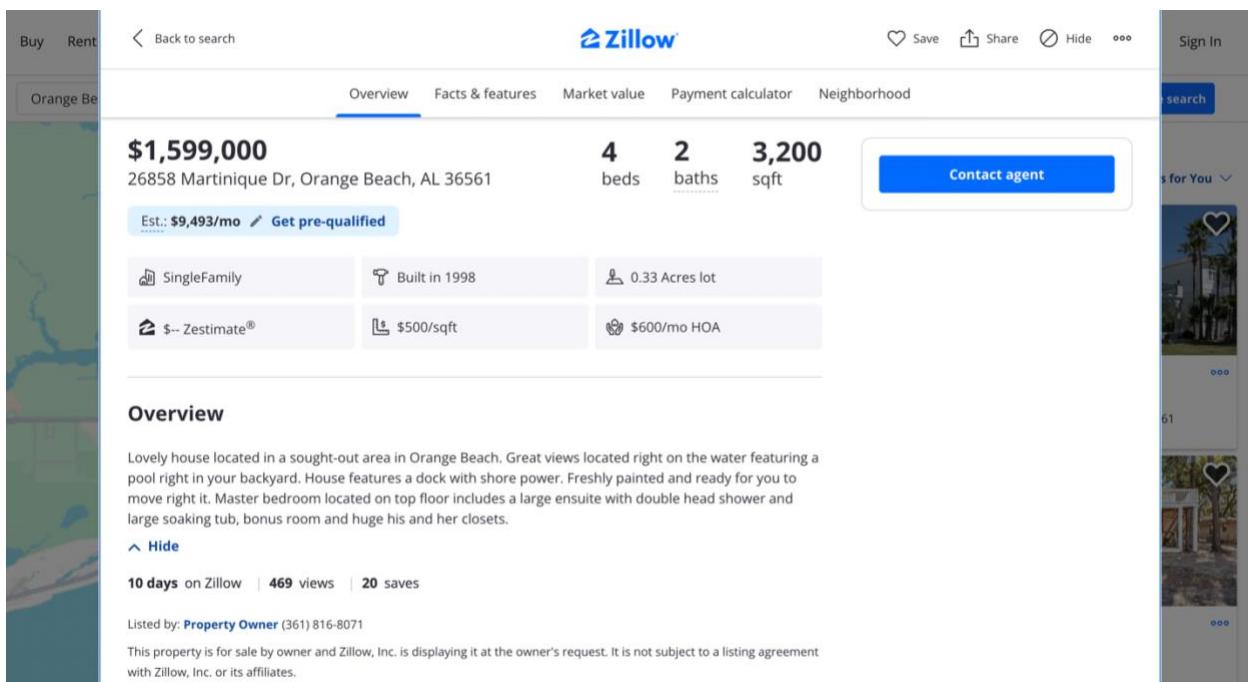
PRELIMINARY LISTING

c. 26858 Martinique Dr, Orange Beach, AL 36561 - \$ 1,599,000.00



The screenshot shows a Zillow property listing for a two-story house at 26858 Martinique Dr, Orange Beach, AL 36561. The price is \$1,599,000. Key details include 4 beds, 2 baths, and 3,200 sqft. The property is listed as 'For sale by owner'. It features a single-family home built in 1998 on a 0.33-acre lot. Zestimate values are shown as \$500/sqft and \$600/mo HOA. A 'Contact agent' button is present.

Overview



This detailed view of the Zillow listing includes tabs for Overview, Facts & features, Market value, Payment calculator, and Neighborhood. The property is described as a lovely house located in a sought-out area, featuring great views right on the water, a pool in the backyard, and a dock with shore power. It is freshly painted and ready for its new owners. The master bedroom includes a large ensuite with a double head shower and a large soaking tub. The listing also notes a bonus room and large his and her closets. The property has been on Zillow for 10 days, viewed 469 times, and saved 20 times. It was listed by a property owner with phone number (361) 816-8071. A note states that the property is for sale by owner and Zillow is displaying it at the owner's request.

2. Contrary to the representations in Shumate's Motion to Quash Subpoena, Shumate did not notify the Trustee that these assets of the estate were listed for sale. It was counsel

for the Trustee that notified Mr. Watts that these assets were listed for sale in violation of multiple Orders from this Court (See Exhibit 1.)

3. After that, Mr. Watts took the position that it was ok because they would not sell the assets without Court or Trustee approval (See Exhibit 2.) In reality, it appears Mr. Watts had no idea that his client was violating this Court's Orders and the Automatic Stay, but he should have known. This is disconcerting to the Trustee as Mr. Shumate has flaunted the bankruptcy process, this Court, and the Orders from this Court on numerous occasions.

4. The Trustee has no way of knowing if these assets have offers, are under contract, have been sold, or are even offered at fair market value. That is why the Court has to be involved in any sale of assets under Mr. Shumate's control.

5. The only way the Trustee has any knowledge of the items being listed for sale has been through the Trustee's own research. A prime example is when the Trustee was contacted by an attorney in the middle of a real estate transaction on the Corpus Christi Agnes Yard; the Trustee was only made aware of this pending sale when that attorney sent him the contract signed by Tim Pollard. Shumate did not mention this listing, an offer, or a signed contract. (See Trustee's Sanction Exhibit no. 7).

6. Yesterday, Mr. Shumate appeared at the Superior Ready Mix 341 Creditor's meeting, presenting at the office of Mr. Colvard, Superior's counsel, in San Antonio, Texas. Not surprisingly, he feigned ignorance on any issue of substance and was totally abusive to the process. This point being said, Mr. Shumate continues to laugh at the process and this proceeding. The real point being said is that Mr. Shumate is currently in Texas.

7. Mr. Shumate needs to appear and explain to this Court why he is not following this Court's Orders. More importantly, he needs to be present because the Trustee anticipates

asking this Court to incarcerate him and his co-conspirators for the continued felonious conduct and violations of this Court's Orders.

8. It is important to note that Mr. Watts has laid the groundwork for Israel Rodriguez to no appear on the 17th, despite a subpoena requiring him to appear. (See Exhibit 3).

9. The sanctions hearings have only been prolonged because the Trustee continuously discovers new violations and due to the unavailability of the witnesses, which Mr. Shumate employs. This is evidenced by the email regarding Mr. Watts declining to accept service on behalf of other witnesses employed by Mr. Shumate, wherein he explains that he is not authorized to accept service (See Exhibit 4). The point should be to shed light on this continued criminal enterprise. But rather, it is more of the same hide-and-seek antics that are continuously employed. This motion to quash should be denied.

WHEREFORE, premises considered, Plaintiff John Patrick Lowe, Chapter 7 Trustee for Cinch Wireline Services, requests that the Court enter an order denying the Motion to Quash and for such other and further relief, at law or in equity, as to which he may be justly entitled.

Dated: September 12, 2024

Respectfully submitted,

/s/ Butch Boyd
Butch Boyd
State Bar No. 00783694
BUTCH BOYD LAW FIRM, P.C.
2905 Sackett Street
Houston, TX 77098
713.589.8477
713.589.8563 (Fax)
Email: butchboyd@butchboydlawfirm.com
Copy to: katrinaboyd@butchboydlawfirm.com

Shelby A. Jordan
St. Bar No. 11016700
Antonio Ortiz
St. Bar No. 24074839

JORDAN & ORTIZ, P.C.
500 North Shoreline Blvd., Suite 804
Corpus Christi, TX 78401
Telephone: 361.884.5678
Facsimile: 361.888.5555
Email: sjordan@jhwclaw.com
aortiz@jhwclaw.com
Copy to: cmadden@jhwclaw.com

**SPECIAL COUNSEL FOR JOHN PATRICK
LOWE, CHAPTER 7 TRUSTEE FOR CINCH
WIRELINE SERVICES, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above foregoing document was served to the attached Service List by the CM/ECF system and via electronic mail on September 11, 2024.

Gabi S Canales
Canales Law Office
5262 S Staples St.
Suite 100
Corpus Christi, TX 78411
361-887-4700
361-887-4761 (fax)
gabilaw14@gmail.com
Assigned: 05/14/2024

representing **Michael Mendieta**
(Interested Party)

Mitchell Clark
Law Offices of J. Mitchell Clark
719 S. Shoreline Boulevard
Corpus Christi, TX 78401
361-882-1612
361-882-3015 (fax)
mitchell@hilliard-law.com
Assigned: 07/22/2024

representing **Justin Sprencel**
(Interested Party)

Jason Alexander Enright
Winstead PC
500 Winstead Building
2728 N. Harwood Street
Dallas, TX 75201
214-745-5844
214-745-5390 (fax)
jenright@winstead.com
Assigned: 07/25/2024

representing **Simmons Bank**
(Interested Party)

Richard L. Fuqua
Fuqua & Associates, PC
8558 Katy Freeway
Suite 119
Houston, TX 77024
713-960-0277
713-960-1064 (fax)
fuqua@fuqualegal.com
Assigned: 05/28/2024

representing

Loretta L. Higgins
24030 Tirso River Court
Katy, TX 77493
(Defendant)

R. Javier Guerra
Ray Pena McChristian, PC
9601 McAllister Freeway, Suite 901
San Antonio, TX 78216
(210) 775-3554
(210) 341-3557 (fax)
jguerra@raylaw.com
Assigned: 05/20/2024

representing

Jerry Miller
137 W. Chandler Road
Sarita, TX 78385
(Defendant)

Aaron Matthew Guerrero
Bond Ellis Eppich Schafer Jones LLP
950 Echo Lane
Suite 120
Houston, TX 77024
713-335-4838
832-740-1411 (fax)
aaron.guerrero@bondsellis.com
Assigned: 04/26/2024

representing

17 Main, LLC
c/o Daniel Namvar, Registered
Agent
9135 Hillsboro Dr
Los Angeles, CA 90034
(Defendant)

Charles A. Newton
Newtons Law
190 N. Millport Circle
The Woodlands, TX 77382
281-681-1170
281-901-5631 (fax)
chuck@newtons.law
Assigned: 05/02/2024

representing

Mark Lopez
52 County Road 2011
Edna, TX 77957
(Defendant)

Assigned: 05/13/2024

representing

Los Cabos Ranch, LLC
c/o Paul S Kirklin, Registered
Agent
12600 N. Featherwood Drive,
Suite 225,
Houston, TX 77034
(Defendant)

Paul W. O'Finan
S M Chaudhry, Esq., Attorney at Law

representing

Frank Thomas Shumate
6118 King Trail

PLLC
14100 San Pedro Ave, Suite 210
San Antonio, TX 78232
(210) 646-9400
(210) 646-0038 (fax)
paul@smcesq.com

Assigned: 04/24/2024
TERMINATED: 06/27/2024

Assigned: 05/08/2024

Corpus Christi, TX 78414
(*Defendant*)

Timothy Gaines Pollard
2200 County Road 413
McCoy, TX 78113
(*Defendant*)

WFO Homes, LLC
c/o Tim Pollard, Registered
Agent
146 Motts Parkway
Marion, TX 78124
(*Defendant*)

WFO, LLC
c/o Tim Pollard, Registered
Agent
146 Motts Parkway
Marion, TX 78124
(*Defendant*)

Assigned: 05/08/2024

BL Equity Holdings, LLC
c/o A Registered Agent, Inc
8 The Green, Suite A
Dover, DE 19901
(*Defendant*)

Assigned: 05/08/2024
TERMINATED: 06/27/2024

CES Group Holdings, LLC
c/o Frank T. Shumate, Registered
Agent
2200 County Road 413
McCoy, TX 78113
(*Defendant*)

Cinch Energy Services, LLC
Mark Lopez, Registered Agent
1102 S. Second
Ganado, TX 77962
(*Defendant*)

**Cinch Investment Holdings,
LLC**
2200 County Road 413
McCoy, TX 78113
(Defendant)

FTS Ranch, LLC
c/o Frank T Shumate Jr.,
Registered Agent
2200 County Road 413
McCoy, TX 78113
(Defendant)

FTSJR Holdings, LLC
c/o Frank T Shumate, Jr.,
Registered Agent
2200 County Road 413
McCoy, TX 78113
(Defendant)

Grander Holdings, LLC
c/o Frank T Shumate Jr.,
Registered Agent
2200 County Road 413
McCoy, TX 78113
(Defendant)

Hook N Bull Properties, LLC
c/o Frank T. Shumate, Jr.,
Registered Agent
2200 County Road 413
McCoy, TX 78113
(Defendant)

Ocean Floor Holdings, LLC
c/o A Registered Agent, Inc.
8 The Green, Suite A
Dover, DE 19901
(Defendant)

Ponder Ranch, LLC
c/o Frank T Shumate Jr.,
Registered Agent
2200 County Road 413
McCoy, TX 78113
(Defendant)

Texas Coast Builders, LLC
c/o Frank T Shumate Jr.,
Registered Agent
2200 County Road 413
McCoy, TX 78113
(Defendant)

Jameson Joseph Watts
Husch Blackwell LLP
111 Congress Ave.,
Suite 1400
Austin, TX 78701
512-479-1179
512-479-1101 (fax)
jameson.watts@huschblackwell.com

Assigned: 06/03/2024

representing

CES Group Holdings, LLC
c/o Frank T. Shumate, Registered
Agent
2200 County Road 413
McCoy, TX 78113
(Defendant)

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1102 S. Second
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(Defendant)

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c/o Frank T Shumate, Jr.,
Registered Agent
2200 County Road 413
McCoy, TX 78113
(Defendant)

Frank Thomas Shumate
6118 King Trail
Corpus Christi, TX 78414
(Defendant)

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c/o Frank T Shumate Jr.,
Registered Agent
2200 County Road 413
McCoy, TX 78113
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2200 County Road 413
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WFO Homes, LLC
c/o Tim Pollard, Registered
Agent
146 Motts Parkway
Marion, TX 78124
(Defendant)

/s/ Butch Boyd
Butch Boyd